

Item SPR06-30 Response Form

Title: Family Law: Appointment Requirements for Child Custody Evaluators (amend Cal. Rules of Court, rule 5.225; revise forms FL-325, *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications*, and FL-326, *Declaration of Private Child Custody Evaluator Regarding Qualifications*)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.

Invitations to Comment SPR06-30

Title	Family Law: Appointment Requirements for Child Custody Evaluators (amend Cal. Rules of Court, rule 5.225; revise forms FL-325, <i>Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications</i> , and FL-326, <i>Declaration of Private Child Custody Evaluator Regarding Qualifications</i>)
Summary	Rule 5.225 of the California Rules of Court concerns the appointment requirements for court-appointed child custody evaluators. In response to concerns expressed by practitioners in these fields, rule 5.225 would be amended to clarify the licensing, education, training, and experience requirements for appointment. Forms FL-325 and FL-326 would also be amended to reflect the proposed changes to the rule.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Gabrielle D. Selden, 415-865-8085, gabrielle.selden@jud.ca.gov
Discussion	<p>Rule 5.225 of the California Rules of Court was adopted effective January 1, 2002, under the legislative mandate of Senate Bill 433 ([Johnson]; Stats. 1999, ch. 932). The legislation required the Judicial Council to formulate a statewide rule establishing the education, experience, and training requirements for all child custody evaluators. The legislation also required that child custody evaluators declare that they are currently licensed, if applicable, and meet all requirements of the rule.</p> <p><i>Amending experience requirements for evaluators</i></p> <p>This proposal would amend subdivision (f) to clarify the experience requirements of the rule and ensure that all child custody evaluators are qualified for appointment. Under the current rule, child custody evaluators may meet the experience requirements in one of two alternative ways. First, to qualify under (f)(1), the evaluator must have completed or supervised three partial or full court-appointed child custody evaluations, which include a written or an oral report, between January 1, 2000, and July 1, 2003. Alternatively, to qualify under (f)(2), the evaluator must have conducted six child custody evaluations in consultation with another professional who meets the requirements of this rule.</p> <p>As currently drafted, the experience requirements of the rule have created inconsistency and confusion for the courts and evaluators. Some evaluators are required to have completed six evaluations, and others three, before being appointed. Also, the time restrictions for completing the evaluations in (f)(1), along with the lack of time restrictions under</p>

(f)(2), do not require or encourage evaluators to have recent experience. For example, under (f)(1), an evaluator who has not completed an evaluation in the preceding six years would still be eligible if he or she completed three evaluations in 2000. Likewise, under (f)(2), where there are no time requirements for completing the six evaluations, the evaluator may meet the experience requirements if the six evaluations were completed as long as 20 years ago.

The proposed rule would replace (f)(1) and (f)(2). The date restrictions in (f)(1), “between January 1, 2000, and July 1, 2003,” would be deleted. Evaluators would be required to complete four child custody evaluations within the preceding three years before appointment. That would sufficiently demonstrate that the evaluator has gained recent experience working with diverse child custody situations. But this requirement would not be so overly burdensome as to create an obstacle to appointment.

The proposed rule would continue to require that those who assist in the completion of the evaluations do so with a qualified evaluator. The proposed change is to replace the phrase “in consultation with another professional who meets the . . . requirements of this rule” with language that is more descriptive of the interaction between the experienced and less experienced evaluator. Specifically, it would read “conferring, consulting, deliberating with, or receiving professional advice, mentoring, assistance, or supervision from a qualified child custody evaluator. . . .” from a qualified child custody evaluator.

The experience requirements would also include a “grandparent clause” in subdivision (f) that would allow evaluators who meet the experience requirements of the current rule to continue to receive appointments from the court so long as they complete four evaluations by January 1, 2010. After 2010, no exceptions would be made; all evaluators would need to have completed four evaluations in the preceding three years to meet the experience requirements of the rule. This would ensure that existing evaluators remain eligible for appointment and are given an opportunity to stay in compliance under the proposed rule.

Clarifying appointment requirements

This proposal would amend rule 5.225 to clarify all the appointment requirements for child custody evaluators in one rule, under the amended title of “Appointment requirements for child custody evaluators.”

Currently, the rule does none of the following:

1. Provide the number of hours of advanced domestic violence training that are required before appointment;
2. Specify the nature of the training needed relative to child sexual

- abuse cases;
3. Specify the professional licenses needed to qualify for appointment;
 4. Specifically state that, before appointment, court-connected child custody evaluators must have completed domestic violence training as required by existing law; or
 5. Define “court-connected evaluator.”

To address the above five points, the rule would be amended to: (1) include the number of hours (16) of advanced domestic violence training needed in order to be appointed; (2) specify the course requirements relating to the nature of sexual abuse at subdivision (d)(4), as mandated by Family Code section 3110.5(b)(2); (3) describe the licensing or certification requirements of Family Code section 3110.5(c) in a new subdivision (g) titled “Licensing requirements”; (4) specify that, before appointment, court-connected child custody evaluators must have completed domestic violence training as required by existing law; and (5) define the term “court-connected evaluator” at (b)(7).

Licensing requirements for child custody evaluators

The proposed rule would include a new subdivision (g) titled “Licensing requirements.” This subdivision would highlight the appointment criteria for persons who have, or do not have, the professional licenses required under Family Code section 3110.5. As further described below, the substance of the current (j) would be moved to (g) and redrafted for clarity. Subdivision (j) would then be proposed for deletion to avoid redundancy.

Current subdivision (j)(1) relates to the licensing requirements for child custody evaluators under Family Code section 3110.5(c). Subdivision (j)(1) does not list the actual licenses needed before appointment but instead cross-references the Family Code. Proposed subdivision (g) would improve on (j)(1) by listing the actual professional licenses needed before appointment.

Current subdivision (j)(2) focuses on the appointment criteria for evaluators who are neither licensed nor court certified. Its substance would be moved to (g). Subdivisions (g)(1) and (g)(2) would identify the exceptions to the general rule requiring a license before appointment. Proposed subdivision (g)(1) would include an exception for court-connected child custody evaluators who are court-certified as meeting the other requirements of the rule. Proposed subdivision (g)(2) would list the statutory criteria for appointing persons who are neither licensed nor court-certified. However, instead of paraphrasing Family Code section

3110.5(d) as in current (j)(2), proposed subdivision (g)(2) would be drafted to more closely reflect the actual language of the Family Code section.

Use of interns

Subdivision (I) would be added to clarify that evaluators may use interns if they are supervised by a qualified child custody evaluator. This subdivision would include training and education requirements for those interns. Including this subdivision would promote consistency with other California Rules of Court, specifically rule 1405.5(h), which allows interns, volunteers, and paraprofessionals to assist dependency mediators. It also promotes opportunities for training new child custody evaluators so as to expand the pool from which the courts may appoint.

Subdivision (I) would also require an evaluator to disclose to the court that he or she intends to use interns to assist with a child custody evaluation. Currently, court-connected evaluators must submit *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (form FL-325) to the local family court services officer before any work on the first child custody evaluation and by January 30 of each year thereafter. Private child custody evaluators must file *Declaration of Private Child Custody Evaluator Regarding Qualifications* (form FL-326) with the clerk's office no later than 10 days after notification of each appointment and before any work on each child custody evaluation. Each of these forms would be amended to include a place for the evaluators to disclose the use of interns and a notice about the filing requirements.

Organizational changes

The proposal also includes organizational changes to avoid redundancy, specifically:

- Deleting current subdivision (d), which provides an overview of the appointment requirements of the rule;
- Deleting references to effective dates occurring in the past in (n);
- Moving the text of subdivision (i) titled "Ongoing clinical consultation" under (k) as another of the duties of child custody evaluators;
- Moving language in former subdivision (e), relating to the application of teaching hours toward completing the education and training requirements of this rule, into its own subdivision titled "Authorized education and training."

Changes to forms

This proposal would include revisions to forms FL-325, *Declaration of*

Court-Connected Child Custody Evaluator Regarding Qualifications, and FL-326, *Declaration of Private Child Custody Evaluator Regarding Qualifications*). Both forms would be revised to conform to the proposed amendments to the rule. For example, references to subdivisions that would be relettered in the rule would also be relettered in FL-325, at items 4a–b, and in FL-326, at items 4 and 5. Both forms would include a new item where the evaluator can disclose the use of interns. Finally, FL-326 would be revised so that item 5 tracks the new language in proposed subdivision (g)(2) regarding persons who have not satisfied the requirements of the rule, but who are eligible to perform child custody evaluations.

Additional requests for comments

The Family and Juvenile Law Advisory Committee has directed staff to seek comments on whether to clarify the definitions of “child custody evaluation,” “full evaluation....,” and “partial evaluation....” in subdivisions (c)(2), (c)(3), and (c)(4), respectively.

In (c)(2) and (c)(3) the term “investigation” is modified in two ways. Subdivision (c)(2) refers to an “expert investigation;” (c)(3) refers to a “full investigation” and then a “comprehensive examination.” The committee recommends clarifying that these terms have distinct meanings.

In response to the committee’s comments, we propose amending subdivision’s (c)(2) through (c)(4) to clarify the language in the rule. The word “expert investigation” in (c)(2) would be replaced with “child custody evaluator’s investigation.” Subdivisions (c)(3) and (c)(4) would be amended to specify that a full and partial evaluation are each a type of child custody evaluation that can be ordered by the court.

The text of the proposed amendments to rule 5.225 and the related forms are attached at pages 6–14.

Attachments

Rule 5.225 of the California Rules of Court would be amended, effective January 1, 2007, to read:

Rule 5.225. ~~Education, training, and experience standards for court-appointed child custody investigators and evaluators~~ Appointment requirements for child custody evaluators

(a) ~~[Authority]~~ This rule is adopted under article VI, section 6 of the California Constitution and Family Code sections 211 and 3110.5.

(b) (a) ~~[Purpose]~~ As required by Family Code section 3110.5, this rule establishes the education, experience, and training the This rule provides the education, training, experience, and licensing requirements for child custody evaluators who are appointed only under to conduct full or partial child custody evaluations under Family Code section 3111, Evidence Code section 730, or Chapter 15 (commencing with Section 2032.010) of Title 4 of Part 4 of the Code of Civil Procedure, section 2032. Additional training requirements for these child custody evaluators are contained in rule 5.230.

(e) (b) ~~[Definitions]~~ For purposes of this rule:

(1) ***

(2) A “child custody evaluation” is ~~an expert~~ a child custody evaluator’s investigation and analysis of the health, safety, welfare, and best interest of a child with regard to disputed custody and visitation issues.

(3) A “full evaluation, investigation, or assessment” is a child custody evaluation that is a comprehensive examination of the health, safety, welfare, or best interest of the child.

(4) A “partial evaluation, investigation, or assessment” is ~~an examination of the health, safety, welfare and best interest of the child~~ a child custody evaluation that is limited by the court order in either terms of its time or scope or duration.

(5)–(6) ***

(7) A “court-connected evaluator” is a superior court employee or a person under contract with a superior court who conducts child custody evaluations.

(d) ~~[Requirements for evaluators' qualifications: education, training, and experience]~~ Persons appointed as child custody evaluators must:

- ~~(1) Complete a total of 40 hours of initial education and training as described in (e)~~
- ~~(2) Comply with the training requirements described in rule 5.230;~~
- ~~(3) Fulfill the experience requirements described in (f); and~~
- ~~(4) Meet the continuing education, training, and experience requirements described in (h);~~

(e) (c) [Domestic violence training requirements] Before appointment, a court-connected or a private child custody evaluator must complete 16 hours of advanced domestic violence training as described in rule 5.230.

(e) (d) [Education and training requirements] Only education and training acquired after January 1, 2000, from providers described in (m) meets the requirements of this rule. Serving as the instructor in a course meeting the requirements described in (m) in one or more of the subjects listed in paragraphs (1) through (21) below can be substituted for completion of the requisite number of hours specified in (d), on an hour per hour basis, but each subject taught may be counted only once. The hours required by this rule must include, but are not limited to, all of the following: In addition to the 16 hours of domestic violence training, before appointment, a child custody evaluator must complete 40 hours of education and training, which must include the following topics:

(1)–(3) ***

(4) The assessment of child sexual abuse issues required by ~~Family Code section 3110.5(b)(2)(A)–(F)~~ and Family Code section 3118; local procedures for handling child sexual abuse cases; ~~and~~ the effect that court procedures may have on the evaluation process when there are allegations of child sexual abuse; and the following areas of training required by Family Code section 3110.5(b)(2)(A)–(F):

(A) Children’s patterns of hiding and disclosing sexual abuse in a family setting;

(B) The effects of sexual abuse on children;

(C) The nature and extent of sexual abuse;

(D) The social and family dynamics of child sexual abuse;

1 (E) Techniques for identifying and assisting families affected by child
2 sexual abuse; and

3
4 (F) Legal rights, protections, and remedies available to victims of child
5 sexual abuse;

6
7 (5)–(21) ***

8
9 (e) **[Authorized education and training]** Only the education and training described
10 in (c) and (d) acquired after January 1, 2000, from approved providers meets
11 the requirements of this rule. The education and training requirements in (c) and
12 (d) may be satisfied by:

13
14 (1) Attending and participating in an approved course; or

15
16 (2) Serving as an instructor in an approved course. Each course taught may be
17 counted only once. Instructors may claim only actual classroom time.

18
19 (f) **[Experience requirements]** ~~Persons appointed as child custody evaluators~~
20 ~~must satisfy initial experience requirements by~~ Before appointment, a child
21 custody evaluator must have completed or assisted in the completion of at least
22 four partial or full child custody evaluations within the preceding three years.
23 Each child custody evaluation must result in a written or an oral report.

24
25 (1) ~~Completing or supervising three court appointed partial or full child~~
26 ~~custody evaluations including a written or an oral report between January~~
27 ~~1, 2000, and July 1, 2003; or To comply with these requirements, a child~~
28 ~~custody evaluator must have either:~~

29
30 (A) Conducted the evaluations; or

31
32 (B) Assisted in the completion of the evaluations by conferring,
33 consulting, deliberating with, or receiving professional advice,
34 mentoring, assistance, or supervision from a child custody evaluator
35 who meets the licensing, education and training, and continuing
36 education requirements of this rule.

37
38 (2) ~~Conducting six child custody evaluations in consultation with another~~
39 ~~professional who meets the education, experience, and training requirements~~
40 ~~of this rule. Those evaluators who fulfilled the experience requirements~~
41 under former subdivision (f) of this rule by December 31, 2006, and who
42 must complete additional child custody evaluations to comply with this
43 rule effective January 1, 2007, are deemed to be in compliance with the
44 requirements of this rule for purposes of appointment until January 1,

2010, so long as the evaluator completes a total of four evaluations by January 1, 2010. Thereafter, those evaluators must comply with the experience requirements of (f)(1).

(g) [Licensing requirements] Before appointment under Family Code section 3110.5(c)(1)–(5), a child custody evaluator must be licensed as a psychologist, marriage and family therapist, clinical social worker, or physician who is a board-certified psychiatrist or who has completed a residency in psychiatry, unless:

- (1) The court certifies that the individual is a court-connected evaluator who has completed the minimum requirements in (i); or
- (2) Under Family Code section 3110.5(d), the court determines that Family Code section 3110.5(c) does not apply because there are no evaluators who meet the criteria of 3110.5(c) who are willing and available, within a reasonable period of time, to perform child custody evaluations; and:

(A) In those cases, the parties stipulate to an individual who does not meet the criteria of Family Code section 3110.5(c); and

(B) The court approves the individual as the evaluator.

~~**(h) [Continuing education and training]** After completing the initial 40 hours of training, persons appointed as child custody evaluators must annually complete 8 hours of update training covering subjects described in (e). This requirement is in addition to the annual 4 hours of domestic violence update training described in rule 5.230.~~

(g) (h) [Continuing education and training requirements] After completing the education and training requirements described in (c) and (d), persons appointed as child custody evaluators must annually complete:

(1) Four hours of domestic violence update training as described in rule 5.230; and

(2) Eight hours of update training covering subjects as described in (d).

~~**(i) [Ongoing clinical consultation]** When conducting evaluations, persons appointed as child custody evaluators should, where appropriate, seek guidance from professionals who meet the requirements of this rule.~~

1 ~~(h)~~ **(i) [Court-connected evaluators]** A court-connected evaluator who does not
2 meet the education and training requirements in ~~(d) and (e)~~ (d) may conduct
3 child custody evaluations if, before appointment, he or she:
4

5 (1) ~~If he or she has~~ Completed 20 of the 40 hours of education and training
6 required by (d);

7
8 (2) ~~If he or she~~ Completes the additional 20 hours of education and training
9 required by (d) within 12 months of beginning practice as a child custody
10 evaluator;

11
12 (3) Complied with the domestic violence training requirements for a court-
13 connected child custody evaluator under Family Code sections 1816 and
14 3110.5 and rule 5.230 of the California Rules of Court;

15
16 ~~(3)~~ (4) ~~If he or she~~ Complied with the experience requirements in (f); and

17
18 ~~(4)~~ (5) ~~If,~~ During the period in which the evaluator does not meet the
19 requirements of the rule, ~~he or she~~ is supervised by a court-connected
20 evaluator who has complied with the ~~education, training, and experience~~
21 requirements of this rule.
22

23 ~~(j)~~ **[Appointment criteria]**

24
25 ~~(1) On or after January 1, 2005, persons appointed as child custody evaluators~~
26 ~~must meet the criteria set forth in Family Code section 3110.5(c)(1) (5).~~

27
28 ~~(2) If there are no child custody evaluators available locally who meet the criteria~~
29 ~~of Family Code section 3110.5(c)(1) (5), the parties may, under Family Code~~
30 ~~section 3110.5(d), stipulate to an individual who does not meet the criteria~~
31 ~~described in Family Code section 3110.5(c)(1) (5), subject to approval by the~~
32 ~~court. Any evaluator chosen must, at a minimum, have complied with the~~
33 ~~education, training, and experience requirements in (d), (e), and (f).~~
34

35 ~~(k)~~ **(j)** ***

36
37 ~~(h)~~ **(k) [Child custody evaluator]** A person appointed as a child custody evaluator
38 must:

39
40 (1) Submit to the court a declaration indicating compliance with all
41 applicable education, training, and experience requirements:

42
43 (A) Court-connected child custody evaluators practicing as of January 1
44 of the given year must submit ~~Judicial Council form~~ a Declaration

1 of Court-Connected Child Custody Evaluator Regarding
2 Qualifications (form FL-325) to the local family court services
3 office or administrator by January 30 of that year. Court-connected
4 evaluators beginning practice after January 1 must file form FL-325
5 before any work on the first child custody evaluation has begun and
6 by January 30 of every year thereafter; and
7

8 (B) Private child custody evaluators must complete a ~~Judicial Council~~
9 ~~form Declaration of Private Child Custody Evaluator Regarding~~
10 *Qualifications* (form FL-326) and file it with the clerk's office no
11 later than 10 days after notification of each appointment and before
12 any work on each child custody evaluation has begun;
13

14 (2)–(3) ***

15
16 (4) Have a license in good standing if licensed at the time of appointment,
17 except as described in (g) and Family Code section 3110.5(d).
18

19 (5)–(6) ***

20
21 (7) Where appropriate, seek guidance from professionals who meet the
22 requirements of this rule when conducting evaluations.
23

24 **(l)** **[Use of interns]** Court-appointed child custody evaluators may use interns to
25 assist with child custody evaluations. Evaluators must disclose in their
26 compliance declarations under (k) that they intend to use interns. Interns who
27 are supervised by court-appointed child custody evaluators may:
28

29 (1) Observe child custody evaluations; or

30
31 (2) Assist in conducting child custody evaluations. To assist in conducting
32 child custody evaluations, interns must be:
33

34 (A) Enrolled in a graduate-level master's or doctorate program or have
35 obtained a graduate degree in social work, marriage and family
36 therapy, psychiatry, or psychology; and
37

38 (B) Enrolled in or have completed coursework or training in domestic
39 violence and child sexual abuse issues.
40

41 **(m) [Education and training providers]** "Eligible providers" includes the
42 Administrative Office of the Courts and may include educational institutions,
43 professional associations, professional continuing education groups, public or

1 private for-profit or not-for-profit groups, and court-connected groups. Eligible
2 providers must:

3
4 (1)–(5) ***

5
6 ~~(5)~~ (6) Meet the approval requirements described in (n).

7
8 (n) ~~[Eligible training]~~ **[Program approval required]** ~~As of July 1, 2003, All~~
9 eligible education and training programs must be approved by the
10 Administrative Office of the Courts. Education and training courses that were
11 taken between January 1, 2000, and July 1, 2003, may be applied toward the
12 requirements of this rule if they addressed the subjects listed in ~~(e)~~ (d) and were
13 either certified for continuing education credit by a professional provider group or
14 offered as part of a related postgraduate degree or licensing program.

EVALUATOR (Name and address): TELEPHONE NO.: E-MAIL ADDRESS (Optional):	FOR COURT USE ONLY Draft 1 04/12/06 gs Not approved by the Judicial Council
FAX NO. (Optional): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
DECLARATION OF COURT-CONNECTED CHILD CUSTODY EVALUATOR REGARDING QUALIFICATIONS	

1. I, (name): _____, declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. As of (date): _____, I am a court-connected child custody evaluator for the above court.
3. ☐ I have satisfied all of the domestic violence assessment training requirements for a court-connected child custody evaluator stated in Family Code sections 1816 and 3110.5 and rule 5.230 of the California Rules of Court; and
4. a. ☐ I have satisfied all of the education, training, experience, and licensing requirements for a court-connected child custody evaluator stated in rule 5.225(d)–(h) of the California Rules of Court; or
 b. ☐ I qualify for appointment as a court-connected child custody evaluator under rule 5.225(i) of the California Rules of Court because:
 - (1) I have satisfied all of the domestic violence assessment training requirements for a court-connected child custody evaluator stated in Family Code sections 1818 and 3110.5 and rule 5.230 of the California Rules of Court; and
 - (2) I have completed at least 20 of the 40 hours of education and training required by rule 5.225(d);
 - (3) I will complete the additional 20 hours of education and training required by rule 5.225(d) within 12 months of the date I began practice as a court-connected child custody evaluator;
 - (4) I have complied with the experience requirements of rule 5.225(f) of the California Rules of Court; and
 - (5) I am being supervised by a court-connected child custody evaluator who has complied with all of the applicable education, training, and experience requirements for court-connected child custody evaluators.
5. ☐ I intend to use interns to assist in conducting child custody evaluations. Each intern will have complied with the criteria of rule 5.225(l) of the California Rules of Court, and will work under my supervision at all times.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NOTICE: Court-connected child custody evaluators practicing as of January 1 of the given year must submit this form to the local family court services office or administrator by January 30 of that year. Court-connected evaluators beginning practice after January 1 must file this form before any work on the first child custody evaluation has begun and by January 30 of every subsequent year. (Cal. Rules of Court, rule 5.225(k)(1)(A).)

EVALUATOR (Name and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____	FOR COURT USE ONLY <p style="text-align: center;">Draft 1 04/12/06 gs Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
DECLARATION OF PRIVATE CHILD CUSTODY EVALUATOR REGARDING QUALIFICATIONS	

1. I, (name): _____, declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
2. On (date): _____, I was appointed by the court to perform a child custody evaluation in this matter.
3. ☐ I have satisfied all of the domestic violence assessment training requirements for a private child custody evaluator set forth in Family Code sections 1816 and 3110.5 and rule 5.230 of the California Rules of Court; and
4. ☐ I have satisfied all of the education, training, experience, and licensing requirements for a private child custody evaluator stated in rule 5.225(d)–(h) of the California Rules of Court; or
5. ☐ I have not satisfied the requirements for a private child custody evaluator stated in Family Code section 3110.5(c) and rule 5.225 of the California Rules of Court, but I am eligible to perform a child custody evaluation in this case under Family Code section 3110.5(d) and rule 5.225(g)(2) of the California Rules of Court because:
 - a. ☐ The court, under Family Code section 3110.5(d), has determined that Family Code section 3110.5(c) does not apply because there are no evaluators who meet the criteria of 3110.5(c) who are willing and available, within a reasonable period of time, to perform child custody evaluations;
 - b. ☐ The parties have stipulated that I may conduct the evaluation even though I do not satisfy the criteria of Family Code section 3110.5(c); and
 - c. ☐ The court has approved me as the evaluator in this case.
6. ☐ I intend to use interns to assist in conducting the child custody evaluation. Each intern will have complied with the criteria of rule 5.225(f) of the California Rules of Court, and will work under my supervision at all times.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NOTICE: Private child custody evaluators must complete this form and file it with the clerk's office no later than 10 days after notification of each appointment and before any work on each child custody evaluation has begun. (Cal. Rules of Court, rule 5.225(k)(1)(B).)